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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,071	02/04/2004	Charles D. Huston	5863-00203	1712

7590 05/20/2005  
Conley Rose, P.C.  
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Austin, TX 78768-4908

EXAMINER
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ISSING, GREGORY C

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/772,071

Applicant(s)

HUSTON ET AL.

Examiner

Gregory C. Issing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 21-39 and 41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-39 and 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The Declaration filed on 2/22/05 under 37 CFR 1.131 is sufficient to overcome the Takahata reference.

2. The Declaration filed on 2/22/05 under 37 CFR 1.131 has been considered but is ineffective to overcome the Dimitriadis et al reference.

Firstly, the Declaration identifies the Declaration for US Patent Application 08/926,293, which is incorrect. Secondly, the applicants allege that the priority of the Dimitriadis et al reference is October 11, 1994. This is not accurate and is unsubstantiated. Dimitriadis et al ('948) is a CIP of application 08/282,893 filed 7/29/1994. US Patent 5,627,549 (08/585,604) to Park is a file-wrapper continuation of the application 08/282,893. The application 08/282,893 on which the Dimitriadis et al patent is based is shown to include the features which are utilized in the rejection, that is the storing of data records, determination of current location and selecting for display location specific advertising information depending upon the location of the vehicle, see for example claim 2 of Park. Thus, the information which is relied upon in Dimitriadis et al has support in the original application 08/282,893 upon which Dimitriaidis et al is based and therefore is properly afforded the date of July 29, 1994. Therefore, the Declaration which states that advertising features were created prior to October 11, 1994 fail to overcome the filing date of the reference. Furthermore, Exhibit A fails to provide any evidence of creation prior to October 11, 1994; the applicants state that the "Get Info" data reflects a date prior to the 10/11/1994 date, but there is no evidence to support such a statement. The Exhibit A consists of four sheets of a Listing of documents, and five blank (blackened) sheets wherein the last modified date does not provide any evidence as suggested by the applicants. Exhibit B is a printout of the Abstract and Claims wherein it is indicated in handwriting that the "Get Info" shows first creation on Aug. 13, 1994. This does not precede the priority date of the reference. Exhibit C merely shows a listing of a computer without any showing of creation prior to 10/11/94 although the applicants state that the "Get Info"

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reveals dates prior to such. In summary, the Declaration fails to overcome the reference to Dimitriadis et al.

3. Claims 21, 25, 27, 30, 32, 33, and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al in (5,056,106) view of Fukushima et al (5,270,936), and Dudley (5,326,095).

Wang et al teach a golf course ranging and direction finding system using spread spectrum radiolocation techniques comprising a remote unit positioned on the golf course which determines position and displays information in the form of distance and direction between determined and database-stored target points. Figures 4 and 5 show the remote unit comprising processor and memory 16, receiver 20 for received information and a display interface. Wang et al differ from the claimed subject matter since the radiolocation system is terrestrial-based as opposed to the claimed GPS. Fukushima et al teach a simplified navigation apparatus which also displays distance and direction information to a target based upon the coordinate data at the current position and stored target point data, and which further shows the use of GPS satellites to determine the current position. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Wang et al by substituting GPS satellites for the terrestrial reference transmitters in view of Fukushima et al and thereby provide a golf ranging/direction finding system using a portable device that is small in size, low in cost, and easy to use and also reduce the cost of the system by eliminating the need to install antenna sites on the grounds of the course since the satellites' signals are available globally and are available to an unlimited number of users simultaneously.

The combination does not show the particulars of displaying (advertising) messages when the golfer position, as determined from GPS, is at one or more predetermined advertising locations stored in a database.

Dudley discloses a golf information system including determination of golf cart position, distance to features on the golf course, communication of information with a club house for course management (Figure 14, col. 3, lines 1-4 and col. 10, par. 1), and position-based advertisement message display at particular locations on the course (col. 2, par. 1 and col. 7, par. 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the golf computer system of the combined references of Wang et al in view of Fukushima et al by including position-based advertisement message display to the golfer in view of the teachings of Dudley by using the determined position to retrieve the advertisement message from a storage memory and thus provide the golf course with additional revenue.

4. Claims 26, 28, 29, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al in (5,056,106) view of Fukushima et al (5,270,936), Dudley (5,326,095), and further in view of Bonito et al (WO 88/00487).

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The combination set forth above does not show some of the particulars of the claimed golf display device.

Bonito et al teach a golf computer and the conventional features found therein including graphical displays of the features and holes of the golf course, a light pen for marking points on the display, and entering and displaying scores.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined references by including display of conventionally desired information on a golf course such as graphical layouts and scores, as taught by Bonito et al as well as any other desired information, such as an ordering page in view of the teachings of Bonito et al to provide a golf computer for use on a golf course for providing a wide range of information for a golf player during the game.

5. Claims 31 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al in (5,056,106) view of Fukushima et al (5,270,936), Dudley (5,326,095), and further in view of either one of Hurn or RTCM.

The combination set forth above does not show the use of differential GPS.

Each of Hurn and RTCM Recommended Standards for Differential NAVSTAR GPS Service teach that it is well-known that the accuracy of the GPS solution can be increased using differential GPS. Since it is well known that "the ultimate in accuracy" is achieved by the use of differential GPS, (see Hurn Chap. 7, or RTCM, 2.1 and 3.1), and it is further well-known that in the game of golf, accurate distance between the golf ball and golf hole is important, see for example applicants' specification "Description of the Prior Art", it would have been obvious to one having ordinary skill in the art to further modify Wang et al in view of Fukushima et al and Dudley by incorporating differential GPS as opposed to merely GPS and thereby achieve an even more accurate determination of position and subsequently distance/direction information as shown by either one of Hurn or RTCM.

6. Claims 26, 28, 29, 34, 35 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al in (5,056,106) view of Fukushima et al (5,270,936), Dudley (5,326,095), and further in view of Paul.

The combination does not show some of the particulars of the claimed golf display device.

Paul teach a golf computer and the conventional features found therein including graphical displays of the features and holes of the golf course, ordering beverages, and entering and displaying scores.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined references by including display of conventionally desired information on a golf course such as graphical layouts and scores, as well as any other desired information, such as an ordering page in to provide a golf computer for use on a golf course for providing a wide range of information for a golf player during the game in view of the teachings of Paul.

7. Claims 21-25, 27, 30, 32, 33, and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al in (5,056,106) view of Fukushima et al (5,270,936), and Dimitriadis et al (5,664,948).

The teachings and differences between the claims and the combination of Wang et al in view of Fukushima et al are set forth above.

Dimitriadis et al teach the conventionality of providing both position and condition-based advertisement message presentation wherein a GPS-determined position (80) and optionally a condition (440b), is compared to a database resource 90 having advertisement messages correlated with advertisement locations and/or times and thereby provide an efficient delivery of advertisements at reduced costs.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the golf computer system of the combined references of Wang et al in view of Fukushima et al by including position/condition-based advertisement message display to the golfer in view of the teachings of Dimitriadis et al by using the determined GPS position to retrieve advertisement messages from a storage memory at select advertisement locations and thus provide the golf course with additional revenue. Additionally, in view of the condition-based provision, it would have been obvious to display the advertising messages under the condition of whether or not the apparatus is moving or not moving, such as advertising for restaurants when moving away from the 18<sup>th</sup> hole or providing advertisements for clothing or equipment while the golfer is detected to be stationary and waiting for a group ahead of them to finish a hole, thus not distracting the golfer while driving.

**As stated above, Dimitriadis et al continues to be an applicable reference and therefore the rejection is maintained.**

8. Claims 26, 28, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al in (5,056,106) view of Fukushima et al (5,270,936), Dimitriadis et al (5,664,948), and further in view of Bonito et al (WO 88/00487).

The combination set forth previously does not show some of the particulars of the claimed golf display device. Bonito et al teach a golf computer and the conventional features found therein including graphical displays of the features and holes of the golf course, a light pen for marking points on the display, and entering and displaying scores.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined references by including display of conventionally desired

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information on a golf course such as graphical layouts and scores, as taught by Bonito et al as well as any other desired information, such as an ordering page in view of the teachings of Bonito et al to provide a golf computer for use on a golf course for providing a wide range of information for a golf player during the game.

9. Claims 26, 28, 29, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al in (5,056,106) view of Fukushima et al (5,270,936), Dimitriadis et al (5,664,948), and further in view of Paul.

The combination does not show some of the particulars of the claimed golf display device.

Paul teach a golf computer and the conventional features found therein including graphical displays of the features and holes of the golf course, ordering beverages, and entering and displaying scores.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined references by including display of conventionally desired information on a golf course such as graphical layouts and scores, as well as any other desired information, such as an ordering page in to provide a golf computer for use on a golf course for providing a wide range of information for a golf player during the game in view of the teachings of Paul.

10. Claims 31 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al in (5,056,106) view of Fukushima et al (5,270,936), Dimitriadis et al (5,664,948), and further in view of either one of Hurn or RTCM.

The combination set forth previously does not show the use of differential GPS.

Each of Hurn and RTCM Recommended Standards for Differential NAVSTAR GPS Service teach that it is well-known that the accuracy of the GPS solution can be increased using differential GPS. Since it is well known that "the ultimate in accuracy" is achieved by the use of differential GPS, (see Hurn Chap. 7, or RTCM, 2.1 and 3.1), and it is further well-known that in the game of golf, accurate distance between the golf ball and golf hole is important, see for example applicants' specification "Description of the Prior Art", it would have been obvious to one having ordinary skill in the art to further modify Wang et al in view of Fukushima et al and Dimitriadis et al by incorporating differential GPS as opposed to merely GPS and thereby achieve an even more accurate

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determination of position and subsequently distance/direction information as shown by either one of Hurn or RTCM.

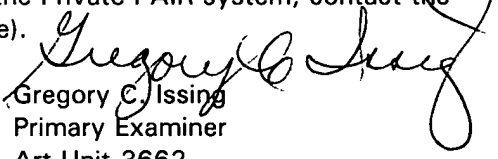
11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (571)-272-6973. The examiner can normally be reached on Monday - Thursday 6:00 AM- 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (571)-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gregory C. Issing  
Primary Examiner  
Art Unit 3662

gci